

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)	
)	
STACEY ANN WHARAM,)	Case No. 15-10501-BFK
)	Chapter 7
Debtor.)	
<hr style="width: 40%; margin-left: 0;"/>)	
)	
UNION BANK & TRUST,)	Adversary Proceeding
)	No. 15-01148-BFK
Plaintiff,)	
)	
vs.)	
)	
STACEY ANN WHARAM,)	
)	
Defendant.)	

ORDER TO SHOW CAUSE

This adversary proceeding was filed on October 30, 2015. Docket No. 1. The Court originally set a final pre-trial conference of April 11, 2016. Docket Nos. 4, 5. The Plaintiff moved for entry of a default, which was entered by the Clerk. Docket Nos. 8, 9 and 10. The case was closed, owing to the default entered by the Clerk. Docket Nos. 8, 9 10, 13. The Plaintiff, however, had never moved for the entry of a default judgment by the Court, so the case was reopened and the final pre-trial conference was continued to November 7, 2016. Docket No. 15.

The Court continued the final pre-trial conference a second time at the request of the Plaintiff to December 5, 2016. Docket No. 17. At the hearing, Plaintiff's Counsel advised the Court that a motion for default judgment was being drafted and anticipated noticing that motion for January 10, 2017. On those representations, the Court continued the final pre-trial conference for a third time to February 13, 2017, again at the request of the Plaintiff's counsel. Docket No. 18. On February 7, 2017 – a full two months after the continuance of the December 5th final pre-

trial conference – the Plaintiff filed a default judgment motion. Docket Nos. 19, 20. However, because counsel waited two months after the December 5th pre-trial to file the default judgment motion, there was not enough time to have the default judgment motion heard before the February 13th pre-trial conference.

Counsel did not appear at the February 13th final pre-trial conference. Counsel requested to appear through CourtSolutions, which is now available but is granted at the discretion of the Court. Counsel's requests were made on Friday, February 10th and on the morning of Monday, February 13th, both in violation of the requirement that Court Solutions requests be made not less than two business days in advance of the hearing. *See* https://www.vaeb.uscourts.gov/wordpress/?page_id=4908 ("Parties wishing to participate in hearings telephonically must receive permission from Chambers by submitting a request through CourtSolutions at least two (2) business days prior to the hearing....")

At this point, the case has been pending for sixteen (16) months, with no answer from the Defendant. The final pre-trial conference has been continued three times. Counsel elected not to appear in Court on Monday, February 13th, after his request to appear telephonically was denied on Friday, February 10th. It appears to the Court that counsel for the Plaintiff is not prosecuting this adversary proceeding with any diligence.

For the foregoing reasons, it is **ORDERED**:

1. The final pre-trial conference is continued to **March 21, 2017, at 9:30 a.m.** Counsel for the Plaintiff is advised that the final pre-trial conference will not be continued again.
2. The Clerk will mail copies of this Order to the parties below, and will provide cmecf notice to counsel for the Plaintiff.

Date: Feb 22 2017

Alexandria, Virginia

/s/ Brian F. Kenney
Brian F. Kenney
United States Bankruptcy Judge
Entered on Docket: 2/23/2017 sas

Copies to:

Union Bank & Trust
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Plaintiff

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Defendant

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